

Appl. No. 10/788,638

Attorney Docket No. 89176.0002
Customer No.: 26021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
John Paul Conn et al.
Serial No: 10/783,638
Confirmation No.: 7344
Filed: February 20, 2004
For: Systems and Methods for Providing
Insurance in Conjunction With a Data Protection
Service

Art Unit: 3626

Examiner: Molina Anita C.

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, John Paul Conn and Thomas J O'Brien, hereby declare as follows:

1. We are the inventors of U.S. application 10/783,638, which is assigned of record to Virtual Backup, Inc.

2. We are advised that in an Office Action dated December 2, 2008, claims 1-56 are rejected under 35 USC 102(e) as anticipated by U.S. application no. 10/789,931, which was filed December 18, 2008.

3. We are the named inventors of U.S. application no. 10/789,931, which is also owned by Virtual Backup, Inc.

4. The subject matter of claims 1-56 of U.S. application no. 10/783,638, to the extent that it is described in U.S. application no. 10/789,931, is our own work.

5. The undersigned, having been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001), and may jeopardize the validity of this application or any patent issuing therefrom, hereby

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Appl. No. 10/783,688

Attorney Docket No. 89176.0002
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declares that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Inventor's Signature

J. Paul Conn

Date: 4-10-09

John Paul Conn

Inventor's Signature

Thomas J O'Brien

Date: _____

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Inventor's Signature

John Paul Conn

Date:

Inventor's Signature

Thomas J O'Brien

Date:

4/21/09